



# Newsroom councils in search of lost times

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## Abstract

In April 1974, when Portugal recovered democracy and press freedom, after almost 50 years of political dictatorship that included a fierce media censorship, the elaboration of a new legal framework for the media was one of the strongest priorities. The importance granted to this issue was such that some of the rights and duties associated to media freedom were even inscribed in the fundamental law of the country – the Constitution itself. Among these rights and duties was the obligation for all media companies to have a newsroom council, elected by the journalists, with important powers regarding for example the choice of a new editor-in-chief, the hiring of new staff members or the adoption of major editorial principles and practices. The underlying ideas were that (a) in a democratic context, democracy should be practised also in the newsroom, and (b) journalists, besides owners and managers, should have a word in the internal decision processes, in order to make sure that the media meet their social responsibilities.

This strong example of what we could call ‘participative democracy’ didn’t last long, at least in these terms. With the successive changes that brought the country closer to the general political model of European western democracies, newsroom councils kept their place but lost some of their powers and, therefore, many journalists felt less and less motivated to actively engage with them.

In this paper, we intend to make a brief historical description of the changes that allegedly weakened the role of the newsroom councils, in spite of their potential as a means of media accountability and of press self-regulation. In a second moment, we’ll present the results of a survey among the existing newsroom councils of national news media, in order to try to understand the consequences of these legal changes in what regards journalists’ participation in the editorial process. Furthermore, we intend to find out if such changes altered the balance of power within media companies, opening the way to a more market-driven management and devaluating the active contribution of journalists to the editorial decisions.

## Keywords

Newsroom council, journalists, democracy, self-regulation

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## 1. Introduction

Newsroom councils in Portuguese media outlets are probably one of the most original and most interesting instruments of (self) regulation of journalism. Although recent (they have been created by law after the so-called “Carnations Revolution” that brought freedom and democracy to Portugal in 25<sup>th</sup> April 1974), they have been rather relevant as far as journalists’ participation in the editorial decisions is concerned, thus stressing the belief that media companies are not exactly the same as any other industrial or commercial company.

Elected by his/her peers, a newsroom council is supposed to advise the editor-in-chief (who formally presides to the organ) in all the major issues concerning the medium management, as for example the elaboration of its ‘mission statement’ (*Estatuto Editorial*), the decision to hire or to fire new journalists, the safeguard of independence in editorial matters versus the commercial interests, etc.

All media outlets with more than five journalists must have a newsroom council, and actually most of the Portuguese media do – at least in formal terms –, with one or two relevant exceptions. The fact is that nothing happens if the medium doesn’t put the newsroom council in place: no sanctions are previewed in the laws that created this regulatory mechanism. That’s why we tend to regard the newsroom council mainly as an instrument of self-regulation – meaning that it depends basically on the free and voluntary commitment of the media company and of its editorial staff – in spite of its compulsory nature in legal terms<sup>1</sup>.

The generous and advanced (not to say revolutionary...) impulse brought by the “Carnations Revolution” of 1974 to the legal framework that conditioned the Portuguese media landscape – as well as the legal framework in various political and economical domains – didn’t last long in its original terms. During the following decades up to the present day, a process of ‘normalization’ occurred, bringing the country to a situation more similar to the one that can be found in most European countries (Portugal joined the European Union in 1986). Specifically regarding the media, many laws were revised – among them, the law concerning the status and role of the newsroom councils, who clearly lost some of their importance. Besides that, the increasingly difficult economic situation of most media companies, caused by the international crisis and by the traditional weakness of the Portuguese media market, contributed to a big

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<sup>1</sup> Given this situation, newsroom councils could more properly be regarded as an example of what some researchers call ‘induced self-regulation’ (Carvalho, 2005) and others ‘regulated self-regulation’ (Schulz & Held, 2004) – a concept that is somehow ‘a mixture’ of two more ‘pure forms’ of regulation: ‘command-and-control regulation’ and ‘self-regulation’ (*ibid.*: 5). Concerning the actors behind these processes, the middle-term concept of ‘regulated self-regulation’ implies that ‘the State should abandon its role of hierarchical control, and aim instead to influence the processes at work in society’ (*ibid.*: 4).

change in the ‘balance or power’ between journalists and their managers, as well as to an increasing demobilization of journalists, more and more concerned with the bare need to preserve their jobs. This helps to understand why newsroom councils, just to mention one example among others, are today less relevant than yesterday and face hard times in order just to survive.

The preliminary results of a survey that we have conducted among the existing newsroom councils of national news media, as can be seen below, show that some of them exist only formally and apparently aren’t able to mobilize the journalists to their cause. This pessimistic scenario notwithstanding, most of the professionals continue to evaluate very positively the existence of a newsroom council and to insist in the importance of bringing it back to a more regular and committed involvement in the scrutiny of what their media actually are bringing to the public sphere.

## 2. Historical and political background

The Portuguese media landscape has been strongly influenced by its specific political, economic, cultural and social evolution during most of the 20<sup>th</sup> century (Fidalgo, 2011a; 2011b). Five main factors should be considered:

- 1) The small size of the country (population of 10.6 million), associated with a very low rate of news media consumption, which makes it difficult for media outlets to achieve sufficient scale to be viable;
- 2) The economic weakness of the country (an annual GDP of €19.500 *per capita*, when the average for EU/27 countries is € 25.100 – see Eurostat, 2011), which means low purchasing power for media consumers and little advertising for the media industry;
- 3) The rather brief experience of life in democracy, after almost half a century (from 1926 to 1974) of political dictatorship, when basic rights – freedom of expression, freedom of the press, freedom of association – were either forbidden or strictly controlled;
- 4) The long-standing tradition of a centralized society, very dependent on the State<sup>2</sup> and with low levels of autonomous social dynamism – which tends to ‘solve’ problems at the macro-level of the law, but not necessarily at the micro-level of actual practices;
- 5) The faster development of the country (in economic, cultural and technological terms) in more recent years, particularly after joining the European Union in 1986.

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<sup>2</sup> According to the division suggested by Halin & Mancini (2004), Portugal – together with Spain, France, Italy and Greece – fits in the “Mediterranean, Political Pluralist” model, characterized in general terms by a low newspaper consumption, by a weak journalistic professionalization (and subsequent autonomy), and by a strong presence of the State in different areas of public life, among them the media.

Portugal lives in a democracy only since 1974. It is useless to look at issues of media self-regulation before that time, because the complete absence of freedom of expression, in a regime of political dictatorship and of state censorship over the press, didn't guarantee the basic pre-conditions for an autonomous journalistic activity (Fidalgo & Sousa, 2010).

In spite of the 'normalization process' during the last two decades, the fact is that the legal and regulatory framework for the media still keeps some marks of the revolutionary period lived in the country between 1974 and 1975, when democracy was recovered and major changes happened<sup>3</sup>.

As a result of this political context, the legal framework for the media is different from that of other countries with a liberal tradition. There are many laws: a Press Law, a Radio Law, a Television Law, a PBS Law, a Journalist Statute, an Electronic Communications Law, an Advertising Law, a Law for the Media Regulatory Entity. The State has been very present in the media area, at least in terms of legislation, although the effective respect for the laws raises frequent doubts.

The importance granted to this sector is evident when we look at the Constitution of the Portuguese Republic itself. Freedom of expression and freedom of information have constitutional dignity (art. 37), as do freedom of the press and of the mass media (art. 38), the obligation of media regulation through an administrative entity (art. 39) and the rights to reply, to rectify, to respond politically and to have access to broadcast time (art. 40). The obligation of the State to offer a national public service of radio and television is also inscribed there. Some rights of the journalists – the right to participate in the "editorial orientation" of the news media they work for, the right of access to official information sources, the right to a 'conscience clause', the right to elect newsroom councils – have constitutional dignity as well<sup>4</sup>.

Thus, the institution of newsroom councils draws, literally, from a constitutional prerogative. According to article 38 / nr. 2 of the Constitution, "*freedom of expression*" implies (a) "*the freedom of expression and of creation of journalists*", as well as their right to

<sup>3</sup> In the sequence of the "Carnations Revolution", for example, the State became the owner of virtually all the media outlets, as a result of the nationalization of the main industries in the country. When the democratic regime stabilized and began to follow Western European patterns, in the 1980s, all print media were privatized again and new commercial projects emerged. Nowadays, the presence of the State as a shareholder in the media is reduced to public radio and public television (that coexist with some private channels), as well as to the national news agency.

<sup>4</sup> The Portuguese Constitution has been revised a couple of times since 1976, when it was originally voted by the new freely elected Parliament, but these articles didn't change in essential terms, in spite of some strong political controversies (in the revision of 1989, for instance, the parties of the right wing of the political spectrum intended to take away from the Constitution the journalists' right to elect newsroom councils, but they didn't get the necessary number of votes to approve that modification). In the course of time, however, several changes were introduced in the ordinary laws of the different sectors – with consequences in the status and power of the newsroom councils.

*“intervention in the editorial orientation of the media they work for, except when they have a doctrinarian or confessional nature”, and (b) “the right of journalists (...) to have access to the information sources, to have their independence and professional secrecy protected, as well as the right to elect newsroom councils”.*

The establishment and the functioning of these councils are detailed both the Journalist’s Statute and in specific laws.

The Press Law, for example, details (art. 23) the role of the newsroom council – a mechanism that should be present in all news media employing more than five journalists. Indeed, it covers a considerable ground: it has a say in the nomination of the newsroom editor-in-chief and deputies, in the editorial statute (“mission statement”) of the medium, and in the appreciation of all ethical and disciplinary issues. The council must also be consulted on *“all the issues of the life and organization of the medium that are somehow related to the activity of the journalists”*, having their statute and ethics code under consideration.

As for the Journalist Statute (also a law voted by the Portuguese Parliament), the *“right of participation in the orientation”* of the medium they work for is presented as one of their *“fundamental rights”*. Article nr. 13 specifies their right to elect newsroom councils and details the competences of this organism, nearly in the same words of the Press Law.

These laws had different versions along the last decades (since 1975), and some of the attributions granted to the newsroom councils were somehow revised. In its first version dated from February 1975<sup>5</sup>, the Press Law – the first free and democratic Press Law, after 48 years of political dictatorship – stated that only with the vote in favor of the newsroom council could someone be appointed as editor-in-chief, deputy-editor-in-chief or managing-editor of a publication. And actually, during the years this law was in force, several appointments in media outlets failed because the newsroom council opposed to them. This first version of the law also stated that the right of newsroom councils to have a say in all matters concerning the journalistic activity and the editorial orientation of the medium had a deliberative (binding) nature. In the course of time, with a couple of revisions (the most important being the one that was voted by the Parliament in 1999), the Press Law, as well as the Journalist Statute, somehow nuanced and weakened the power of the newsroom councils, keeping the obligation of the media management

<sup>5</sup> The importance given to the questions of freedom of expression and freedom of the press was so great that a “Commission for the Elaboration of a Press Law” was appointed by the government in August 1974 – that is to say, just a couple of months after the revolution that brought democracy to the country. And the first Press Law was approved in February 1975, even before the new Parliament (freely elected in April 1975) started the elaboration of a new Constitution. This new Constitution would be approved in April 1976 – and the right of journalists to elect newsroom councils (which was already established in the Press Law) was consecrated there.

to consult them, but with no obligation to follow their opinions. That's the situation we have nowadays in Portugal.

### 3. An original course

The case of newsroom councils in Portugal shows that the Constitution and the different media laws somehow intended to balance power inside media companies, and specifically inside the newsrooms (Fidalgo & Sousa, 2010). The underlying assumption is that the 'product' delivered by media companies is not of the same nature of any other business, and their workers are not exactly like any other workers either. Besides recognizing the right of journalists to participate in the orientation of the media (which should, theoretically, be a responsibility of the owner and of the managers, as it commonly is in a traditional industry), a set of legal dispositions tries to protect journalists' activity, in order to guarantee that they also serve the public interest – along with the private interest of the company they work for. As it happens in other countries (e.g. France), for example, the Portuguese Journalists Statute grants these professionals a 'conscience clause' that legally allows them to refuse any orders that might lead them to break their ethical values and norms. This could be regarded as some kind of privilege, but actually it is supposed to ensure that the citizens' right to independent, comprehensive and accurate information is fulfilled without restraints and, therefore, the public interest is not overtaken by profit at any cost.

During the debates in the Portuguese Parliament, when the new (democratic) Constitution was voted (in 1976) or revised (in 1982 and in 1989), this issue rose many controversies. Some political parties argued that the right of journalists to participate in the editorial orientation of the media, and specifically their right to elect newsroom councils, should not be inscribed in the Fundamental Law of the country – it was, they argued, a privileged status given to a specific professional group, and others could eventually claim identical treatment. But other parties insisted that question this was not about consecrating rights of journalists as professionals, but 'about the right of every citizen to be informed properly' (Veiga de Oliveira, *apud* Carvalho *et al.*, 2005: 39). Or, in other words, 'those rights are granted not as a privilege to a professional corporation, but as ways of ensuring the fulfilment, by mediation of that corporation, of rights that concern to all citizens' (Vital Moreira, *ibidem*). According to this argument, the commitment to guarantee the conditions of exercise of the journalistic activity 'falls within the demands of public life and of all the citizens' (*ibidem*).

This is a relevant question, since the right of participation, as Carvalho *et al.* (2005: 284) put it, means ‘a limitation of the right of orientation which is inherent to the ownership of media’. But dealing with a media company as with any other industrial company would mean that journalists would be treated as any other worker of any other business, with their ‘complete subordination’ to the demands of the owners and their private interests. Trough these legal guarantees, it becomes ‘clear that journalists’ freedom of expression must be exercised not only in face of the public powers, but also in face of the owners and of the hierarchical structure they establish in a media company’ (*ibidem*). Again, the underlying rationale is that journalism is not a trade as any other trade, and the ‘product’ of journalism – which must be treated as a ‘public good’ – should, for the citizens’ sake, be protected from dependencies or vested interests that might prevent them to accomplish their public mission.

Portuguese journalists historically gave a great importance to newsroom councils. Even before the advent of democracy, when the political dictatorship seemed to give some timid signs of openness (1969-1970), they involved themselves in the preparation of a new press law to be presented to the Parliament (where a small group of ‘liberal’ members tried to cooperate in the same sense). The institution of newsroom councils – as well as of a national press council – was one of the main points of this project, together with the demand to finish censorship to the press. The project underlined, among other items, the need of newspapers ‘to be independent from the economic forces that manage them’ (César, 2011: 5), thus pointing to the kind of ‘golden rule’ that traditionally builds a wall between the editorial area (where *news* come from) and the commercial area (where *advertising* is managed) of a media outlet.

But those signs of political openness soon proved to be no more than make-up, and the authoritarian regime didn’t allow any of these changes. Only with the “Carnations Revolution”, in the 25<sup>th</sup> April 1974, came the opportunity to radical change these situation. But the journalists’ commitment to these issues was such that even before the approval of the new Press Law (in February 1975)<sup>6</sup> some of them came to action: there is some evidence of the election of informal, provisional newsroom councils in various newspaper only days after the Revolution. For example, the daily ‘Jornal de Notícias’, based in Oporto, informed the journalists union that a newsroom council had been elected in 3<sup>rd</sup> May 1974 – only one week after the 25<sup>th</sup> April – as ‘the chosen formula to the beginning of a process intended to ensure the independence, pluralism and freedom of the information published by the newspaper’ (*apud* Pereira, 2011: 12). Further information shows that, in few weeks after the advent of freedom and democracy –and when the

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<sup>6</sup> This new Press Law, elaborated by a Commission appointed just after the Revolution (in September 1974) incorporated a great number of the items included in the project prepared by the journalists in 1969-1970.

process of preparing new laws for the sector was barely to be initiated – about a dozen of newspapers had already active newsroom councils (*ibidem*).

#### 4. The rise... and the fall

Clearly, the Portuguese journalists always regarded the existence and the role of newsroom councils as very positive. They represent the vision of the professional body regarding fundamental labor and ethical questions, as well as the importance of a free, independent information for the citizens they allegedly serve. But the enthusiasm of the first years in democracy didn't last long in those terms, both in what regards the law (some of the powers of newsroom councils have been reduced) and in what regards the journalists' commitment to actually involve in these issues. An account given by the Deontological Council of the Journalists' Union in 2011 shows that a total of 195 media outlets in the country had the legal requisites to create a newsroom council, but, although no updated data are available, it is estimated that no more than twenty exist presently (César, 2011). And existing doesn't mean being active: our empirical research for this paper shows, as we can see below, that some newsroom councils are no more than a formal structure with almost no signs of life (just to give an example, the newsroom council of one of the most important dailies was formally elected in the first months of 2012 but had not a single meeting since then, and some journalists weren't even sure if there was or there wasn't such a council in the house).

The fact is that, at least theoretically, the Portuguese journalists have always given much importance to this representative structure and to the role it is intended to play, particularly in the difficult time media are going through. A survey among the journalists of the three most important dailies, made almost ten years ago, showed that they classified newsroom councils as the most relevant mechanism of self-regulation of their activity, together with the press ombudsman (Fidalgo, 2007). More recent surveys point in the same direction, like one made by Obercom (*apud* Correia, 2011), where 79, 2 % of the respondents favored the reinforcement of the legal attributions and of the role of newsroom councils as instruments of self-regulation. But an interesting point must be added: in the same inquiry, only 25 % of the journalists considered that newsroom councils are actually effective, while 20 % think they are “not effective at all” and 36,7 % consider them to be “little effective”. At the same time, 66, 4 % of the respondents agree that the social status of journalists in nowadays much less valued than it was five years ago.

In spite of the very positive reputation of newsroom councils, and of the symbolic power they still keep, the Portuguese journalists don't seem to be able, in more recent years, to make



them really present and efficient in the daily routine of the media they work for<sup>7</sup>. Two reasons may be pointed out to explain this: (1) the severe crisis that is affecting most of the media, with particular expression in the press; and (2) the more and more precarious working conditions that are affecting journalists and literally putting their jobs at risk.

Portugal has traditionally one of the lowest rates of newspaper consumption in Europe: only a circulation of ca. 60 copies a-day per '000 inhabitants, while Scandinavian countries have rates over 400 copies a-day (WAN – World Newspaper Association, 2010). Furthermore, in the last years, the economic and financial crisis that spread all over Europe has affected severally the average citizen purchasing power and the investment expenditures in advertising, both contributing to an important decrease in newspaper circulation and income. As a result, all the media outlets in the country, with no single exception, have been reducing their working force, with tragic consequences for the newsrooms: according to the Journalists Union (SJ, 2012), between 2007 and 2011, about 690 journalists (which means more than 10 % of the total number of professional journalists in the country – presently a total of ca. 6.700<sup>8</sup>) applied for an unemployment subsidy, in the sequence of having lost their job. And the trend didn't change in the years 2012 and 2013, when some of the most influential media outlets (*Público*, RTP, TSF, *Jornal de Notícias*, *Expresso*, SIC, *Sol*...) announced their intentions to lay off more journalists. **'Journalists under pressure'** is the title of a set of papers written by the media researchers Fernando Correia and Carla Baptista (Correia & Baptista, 2012), which adequately characterize the hard times journalists are going through – with relevant consequences in their demobilization regarding different kinds of collective action (e.g. in the Union activities or in... newsroom councils). The fear to lose the job and the uncertainty towards the near future speak louder and louder, as most testimonies gathered in our survey put in evidence.

<sup>7</sup> Ironically, one of the most important media businessmen in the country, Pinto Balsemão (owner of the Impresa Group, which holds a large TV channel and one of the most influential newspapers, the weekly *Expresso*, among other major participations in the sector), recently lamented that journalists didn't use enough of the legal means at their disposal to participate in the regulation of the media activity. The example he gave was precisely the one of newsroom councils, which, according to him, should recover the legal power of a binding vote in the selection of a new editor-in-chief (Expresso, 2011). However, this strong opinion must be nuanced by the context in which it was produced: Balsemão (a former journalist) praised the role of self-regulatory newsroom councils at the same time he criticized the 'excessive powers' of the Portuguese Regulatory Entity for the Media (ERC).

Months later, another important businessman, Belmiro de Azevedo (owner of the daily *Público* but most well-known for other kind of industries and commerce he leads in the country, specially the largest chain of supermarkets) complained, in an interview, that 'too much importance has been given to journalists' and argued that they should be more clearly accountable in individual terms, even in the legal context (*Público*, 2013).

<sup>8</sup> Official data from the CCPJ (the Commission that grants the Journalists' Professional Chart) tell us that there were a total of 8.948 journalists in 2006/2007, and this figures decreased to 7.795 in 2010/2011 and to 6.705 in 2012/2013 (CCPJ, *apud* Baptista, 2012: 17).

#### 4. What do newsroom counsellors say about it?

In order to better know the present situation of newsroom councils in Portugal, as well as the opinions of their members regarding a number of issues, we made a survey among the main national media, and its preliminary finds shall be presented now (see table below).

A questionnaire was sent to all the presently active newsroom councils. With the exceptions of the weekly *Expresso* and the TV channel SIC, all of them answered. Since the second part of the questionnaire related more to issues of opinion, in some cases the different members of the council gave different answers.

Just a previous note: this fairly optimistic table (almost all media outlets with a newsroom council) shouldn't be regarded as a representative picture of the whole country. As a matter of fact, most of the biggest newsrooms still keep a (more or less active) council, but the large majority of the smaller media (even with more than five journalists) doesn't. Like many other representative social structures of the same kind (workers' committees, neighbor's commissions...), which spread all over Portugal in the years immediately after the 25<sup>th</sup> April 1974, tasting the newly-recovered democracy and eagerly wishing to participate, these councils are also loosing importance and eventually disappearing. Skepticism about the near future and disbelief about the relevance of such participation mechanisms<sup>9</sup> – often regarded as merely formal institutions – have been causing a huge demobilization among journalists. As two of the journalists of our survey commented:

*'If our newsroom council were to disappeared right now, nothing at all would change in our newspaper, for better or for worse...'*

*'Nowadays, editors-in-chief feel almighty, thinking that they don't need to give any explanation about their decisions and most of the journalists accept it without discussion. As the popular expression says, they eat and shut up...'*

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<sup>9</sup> Although the laws prescribe that newsroom councils must be consulted (even on a non-binding basis) in a number of situations, there are no sanctions previewed when this obligation is not respected (Carvalho *et al.*, 2005). It means that managers and directors feel rather free not to make those consultations, because nothing happens when they don't.

Table 1 – Global overview about the survey

|  | <i>Circulation/<br/>share<br/>(2012)</i> | <i>Newsroom<br/>Council?</i> | <i>Usually<br/>active?</i> | <i>Active<br/>now?</i> | <i>Nr. of<br/>elected<br/>members</i> | <i>Regular<br/>meetings</i> | <i>Need more<br/>powers?</i> | <i>Makes a<br/>difference?</i> |
|--|--|------------------------------|----------------------------|------------------------|---------------------------------------|-----------------------------|------------------------------|--------------------------------|
| <b>Correio da Manhã</b><br>(daily)                     | 120.300                                  | NO                           | NO                         | NO                     | <i>n.a.</i>                           | <i>n.a.</i>                 | <i>n.a.</i>                  | <i>n.a.</i>                    |
| <b>Jornal de Notícias</b><br>(daily)                   | 72.800                                   | YES                          | YES                        | NO                     | <i>n.a.</i>                           | <i>n.a.</i>                 | <i>n.a.</i>                  | <i>n.a.</i>                    |
| <b>Público</b><br>(daily)                              | 27.300                                   | YES                          | YES                        | YES                    | 5+3                                   | Monthly                     | Yes...                       | YES                            |
| <b>Diário de Notícias</b><br>(daily)                   | 27.700                                   | YES                          | YES                        | YES                    | 7                                     | Monthly                     | Yes...                       | YES                            |
| <b>“I”</b><br>(daily)                                  | 5.500                                    | YES                          | <i>Since<br/>2010</i>      | YES                    | 6                                     | No                          | Yes...                       | NO                             |
| <b>Expresso</b><br>(weekly)                            | 90.800                                   | YES                          | YES                        | <i>n.a.</i>            | <i>n.a.</i>                           | <i>n.a.</i>                 | <i>n.a.</i>                  | <i>n.a.</i>                    |
| <b>Sol</b><br>(weekly)                                 | 28.000                                   | YES                          | YES                        | YES                    | 5                                     | No                          | NO                           | Yes...                         |
| <b>Visão</b><br>(newsmagazine)                         | 87.300                                   | YES                          | YES                        | YES                    | 3                                     | No                          | <i>n.a.</i>                  | Yes...                         |
| <b>Sábado</b><br>(newsmagazine)                        | 64.800                                   | NO                           | NO                         | NO                     | <i>n.a.</i>                           | <i>n.a.</i>                 | <i>n.a.</i>                  | <i>n.a.</i>                    |
| <b>Agência Lusa</b><br>(national press agency)         | * * *                                    | YES                          | YES                        | YES                    | 5                                     | Monthly                     | YES                          | Yes...                         |
|  |  |                              |                            |                        |                                       |                             |                              |                                |
| <b>RTP 1 + RTP 2</b><br>(public service<br>television) | 18.5 + 3.4 %                             | YES                          | YES                        | YES                    | 3+2+1                                 | Monthly                     | Yes...                       | YES                            |
| <b>SIC</b><br>(commercial television)                  | 21.8 %                                   | YES                          | YES                        | <i>n.a.</i>            | <i>n.a.</i>                           | <i>n.a.</i>                 | <i>n.a.</i>                  | <i>n.a.</i>                    |
| <b>TVI</b><br>(commercial television)                  | 26.7 %                                   | YES                          | <i>Irregular</i>           | YES                    | 6                                     | Monthly                     | Yes...                       | Yes...                         |
|  |  |                              |                            |                        |                                       |                             |                              |                                |
| <b>RDP</b><br>(public service radio)                   | 11.9 %                                   | YES                          | YES                        | YES                    | 7                                     | Monthly                     | YES                          | YES                            |
| <b>TSF</b><br>(comercial radio)                        | 5.2 %                                    | YES                          | YES                        | YES                    | 5                                     | 2 months                    | YES                          | Yes...                         |
| <b>RR</b> (Catholic Church)<br>(commercial radio)      | 41.5 %                                   | NO                           | NO                         | NO                     | <i>n.a.</i>                           | <i>n.a.</i>                 | <i>n.a.</i>                  | <i>n.a.</i>                    |

Although the data gathered through our questionnaires is still being analyzed in more detail (particularly in what concerns its ‘qualitative’ component), one point seems rather evident: the newsroom council somehow reflects the ‘culture’ of each particular newsroom, in the way it has been developed over time, as well as the specific character of the editor-in-chief (who formally, and according to the law, presides to the council) in a given period. Media where there always been a strong tradition of debate and participation (e.g. the newspapers *Público* and *Expresso*, or the press agency *Lusa*) tend to evaluate the role of the newsroom council more positively and to insist on its dynamism; together with the routine monitoring of the editorial

activity, they have been actively involved, for example, in the elaboration of style books (*Público*) or of specific codes of conduct (*Expresso*).

On the contrary, some media where this professional culture is not so present, or where the relationship between management and newsroom is more commanding, tend to devalue (or even to ignore) such representative structures as a council composed by journalists alone and designed to make them participate in the important decisions of the house. But changes may arise, as it happened in the TV station *TVI*, or in the newspaper “*i*”, where the existence of such a mechanism seemed out of question until some turmoil in the newsroom (with threats to the existing jobs) mobilized the journalists and led them to elect a newsroom council, also as a kind of ‘defense committee’.

Other cases, however, show us a different scenario: the daily *Jornal de Notícias* had a long tradition of participation and was known for having usually a ‘strong’ newsroom council. In spite of that, the crisis of recent years, causing important losses in circulation and revenue – with the subsequent lay off of many journalists – had a negative impact in the newsroom dynamics, up to the point where a new newsroom council was elected in January 2012 (to replace the previous one) and today is still inactive. Among other reasons, some of the elected journalists didn’t accept the nomination. A new election might take place, but nothing happened since then. ‘And nobody seems to care very much about it, which is an eloquent sign of the times we are living’, as a journalist said in a personal testimony to our survey.

Trying to give a more systematized account of the main findings of our survey among the newsroom councils of national media, particularly in what regards the counselors opinions, we organized the answers in the following four items:

#### ***4.1. What is more relevant in the role of a newsroom council, in spite of its non-binding power?***

The surveyed journalists, with very few exceptions, consider the ‘representative’ function of newsroom councils very important, together with its ‘watchdog’ function. They give journalists a voice (and many suggest that journalists’ voice is weaker and weaker in media outlets, where business and market-driven logics tend to overcome the social responsibility of journalism) and, on the other side, they monitor what is being done in the editorial area, trying to call the attention to basic professional and ethical standards. Some quotes:

*‘The newsroom council gives journalists a voice’*

*'Newsroom councils defend journalists from irregular or unfair procedures, for example when their pieces of work are altered without previous explanation'*

*'Newsroom council is the trustee of the ethical values and standards, and a representative institution to whom journalists can always appeal'*

*'Although they don't make much difference in the newsroom daily routines, it's important that they have a say when big problems emerge, giving voice to the newsroom concerns'*

*'Even when the opinions of the newsroom council are not totally assumed by the chiefs, the journalists get from their public statements some orientation and advise for their daily practice'*

*'Newsroom councils don't have the legal power to change things, but they have the power of their opinion (often publicly diffused). And this power of opinion counts'*

*'It helps to promote standards of ethical behavior among journalists and within the company as a whole – for example, insisting on internal rules for a clear separation between editorial content and promotional content ('brand journalism') or plain advertising. These borders are becoming more and more porous'*

*'The newsroom council is a kind of internal watchdog of the editorial decisions and guardian of the quality, fairness and independence of what is published. Its role is played more at a moral level than at a practical level'.*

#### **4.2. The relationship with the editor-in-chief (who formally presides to the council) tends to be more complicit or more adversarial?**

The relationship between the counselors and the editor-in-chief (also a journalist) is much nuanced, according to the specific media culture and to the characteristics of the person. Some editors-in-chief are closer to the newsroom, others tend to be closer to the managers; some are more assertive and independent in doing their job, others more likely to follow orders from the publisher; some develop a more open or more subtle complicity with the newsroom councils, others prefer to stand by the owner or the shareholders and help to run the business. And the particular stand of the editor-in-chief may even condition the way counselors do their work, because in some situations they fear to suffer direct consequences for defending opposed points of view. Answers to this question were rather varied, as this couple of quotes illustrates:

*'This relationship depends very much on the personal and professional characteristics of the editor-in-chief, as well as on the relationship he/she establishes with the media managers.'*

*'Sometimes the editor-in-chief takes the side of management against the newsroom; sometimes he/she takes the side of the newsroom but confesses his/her impotence to change the orders from above...'*

*‘Newsroom councils should be more proactive than reactive, acting as real counselors of the editor-in-chief. But they should also be heard before decisions were taken, and not afterwards, when everything is already settled’*

*‘Journalists should have more legal protection for being members of a newsroom council’*

#### **4.3. What would be lost if such a representative structure disappeared from the news media?**

Apparently, newsroom councils still keep their positive aura, although it tends to be, in some media outlets, more symbolic than effective. Here and there, a kind of nostalgic memory of a time when this participatory culture was more widely practiced seems to arise. The journalists’ feelings vary from a growing skepticism to an insistence on the opportunities to participate in the life of the newsroom, even against the mainstream trends that suggest otherwise. The need for freedom of expression, for internal democracy and for independence of the journalistic work from any vested interests seems to be strongly present among most of the Portuguese newsroom councils; however, the idea that they are facing ‘difficult times’ is evident too. How do they react to the possibility of newsroom councils to disappear?

*‘The newsroom would lose its voice’*

*‘It would be a serious attack to the journalists’ constitutional right of participation’*

*‘The only formal platform for journalists’ participation in the media they work for would be lost’*

*‘Journalism would benefit very much from a more balanced distribution of power and from a more permanent debate about the editorial options in the newsroom’*

*‘It would mean an impoverishment of the newsrooms – and of journalism. Even if some newsrooms have not much more than a symbolic existence. But the symbolic also counts’*

*‘Given the present situation, little or nothing would be lost...’*

*‘The autonomy of the newsrooms is nowadays more reduced, and that makes the role of a newsroom council even more important, for the journalism sake’*

#### **4.4. How is the newsroom council valued, in comparison with other self-regulatory mechanisms?**

One question of the questionnaire was about the comparative evaluation between newsroom councils and other institutions of journalism self-regulation: the Press Council<sup>10</sup>, the Ombudsman<sup>11</sup>, the Ethical Council of the Journalists' Union<sup>12</sup>, the Commission for the Journalists' Professional Card<sup>13</sup>, a Journalists' Professional Order<sup>14</sup>. It's no wonder that all the inquired newsroom counselors value the newsroom councils more than any other mechanism. Also with very positive evaluations are the Media Ombudsman and the Ethical Council of the Journalists' Union. Not so positively regarded are the hypothetical Press Council or a Professional Order (where a strong division of opinions is to be found).

## 5. Conclusion

The institution of newsroom councils in all Portuguese media with more than five journalists directly arises from the "Carnations Revolution" of April 1974, when freedom of expression, freedom of the press and democracy were regained and the legal framework for the media was totally rebuilt. The journalists' right to participate in the editorial orientation of the media – allegedly in order to guarantee their independence from non-journalistic interests and to preserve their pursuit of the public good – has been advocated for a long time, in the context of the 'social responsibility of the press' and of the ethical imperative of media accountability.

The importance of this issue was such that the right of journalists to elect newsroom councils was consecrated in the Portuguese Constitution itself – and still is, in spite of the several revisions the fundamental law has already been through since 1976. Nevertheless, the practice shows that, after the initial enthusiasm, newsroom councils – as well as other mechanisms of the so-called 'participative democracy' – lost some of their relevance and ability to mobilize journalists. In more recent years, the severe economic and financial crisis that puts at risk the bare survival of several media outlets helped to weaken these representative structures of the journalists. The skepticism about the near future goes together with an increasing tendency of

<sup>10</sup> Presently, there is no Press Council in the country. There was one in the past, but finished in 1990.

<sup>11</sup> Both public television and public radio have an Ombudsman, imposed by law. As for national newspapers, presently only *Diário de Notícias* has an Ombudsman (*Público* and *Jornal de Notícias* had already one, but the position is currently vacant).

<sup>12</sup> This council functions inside the Journalists' Union, but many Portuguese journalists are not members.

<sup>13</sup> According to the law, every journalist must hold a Professional Card in order to have formal access to the profession. This Commission has representatives of the media companies and of the journalists themselves, being presided by a judge, but its existence and its competences raise many controversies among the professional group.

<sup>14</sup> The idea of creating a Professional Order (like the ones existing for doctors, for lawyers, for architects, etc.) comes to the public debate now and then, but journalists' opinions on this issue are far from consensual.

media to be defensive about power distribution in the newsrooms and to surrender to straight market demands. And this makes media companies more similar to any other business.

Still, a number of newsroom councils ‘resists’ in the country, especially in bigger national media, and some of them debate regularly the editorial orientation, here and there with the active complicity of the editors-in-chief. When big issues arise (as it happened recently with the government projects to privatize the public television, or with the publication of a fake interview in one of the most respected newspapers), newsroom councils have a strong voice in the defense of journalistic basics and contribute to a larger debate of questions that matter beyond the walls of a particular media company. As a ‘relevant asset’ (César, 2011: 3) of the journalists’ right (and duty) of participation and as an example of internal democracy, newsroom councils are still regarded by many as an important mechanism of self-regulation, which helps to make the social responsibility of the media more than words. But only with a more active engagement of the journalists in their workplace, together with a more open attitude of the media managers, will this mechanism have the possibilities of playing its role.

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